

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

EARL PARRIS, JR., individually, and)	
On behalf of a Class of persons similarly)	
Situated,)	
Plaintiff,)	
)	Civil Action No.:
vs.)	4:21-CV-40-TWT
)	
3M COMPANY, DAIKIN AMERICA,)	TRIAL BY JURY
INC., HUNTSMAN INTERNATIONAL)	
LLC, MOUNT VERNON MILLS, INC.,)	
TOWN OF TRION, GEORGIA, and)	
RYAN DEJUAN JARRETT,)	
Defendants.)	

TOWN OF TRION, GEORGIA’S
MOTION TO DISMISS THE COMPLAINT

COMES NOW the Town of Trion, Georgia and moves this Court to dismiss the Plaintiff’s Complaint against it. The Town of Trion, Georgia avers that Plaintiff fails to state a claim under Federal Rule of Civil Procedure 12 (b)(6) as follows: (1) the Town of Trion, Georgia is subject to governmental immunity; (2) the Complaint is moot due to regulatory action by federal and state agencies; (3) Plaintiff is not a viable Plaintiff under law for this action; (4) Plaintiff failed to comply with pre-suit notice requirements; and, (5) the Town is not liable under the law for alleged contamination as its actions do not meet the criteria for action under the Clean Water Act or Resource Conservation and Recovery Act.

Based upon these claims, Town of Trion, Georgia respectfully requests that the Court grant its Motion and enter an order dismissing the Plaintiff's Complaint with Prejudice as to the counts against it.

Respectfully submitted, this 8th day of April, 2021.

**GORDON REES SCULLY
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***Admitted Pro Hac Vice**

Attorneys for Defendant Town of Trion

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of April, 2021, a true and correct copy of the foregoing *TOWN OF TRION, GEORGIA'S MOTION TO DISMISS THE COMPLAINT* was served upon all parties to this action via the Court's CM/ECF electronic filing system, which will provide a copy to the all parties of record.

**GORDON REES SCULLY
MANSUKHANI, LLP**

/s/ Kimberly C. Sheridan

Counsel